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June 23, 2008

**VIA FACSIMILE**

**(212) 805-7917**

Honorable Robert P. Patterson  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. Rafael Barrios, Jr.**  
**Docket No. 07-CR-658**

Dear Judge Patterson:

I am writing to request an adjournment, with the consent of AUSA David O'Neil, of the sentencing originally scheduled for Monday, June 30, 2008 at 3:00PM to Friday, July 18, 2008 at 2pm.

The reason for this request is that I have just received the 2<sup>nd</sup> disclosure from the Department of Probation regarding Mr. Barrios, and as such, need additional time to prepare the Sentencing Memorandum. Also, while Toni Marie Angeli handled the trial, I will be assisting with the sentence. I am currently in the midst of preparation and negotiations with the Attorney General's office for a scheduled appearance in Suffolk County Court on June 30, 2008 on the matter of People v. Martin Tankleff. On that day the Attorney General will announce whether he will be retried. To date, they have not disclosed their intentions to us. Obviously we are working hard to urge them to dismiss. In addition, I just completed a murder trial in Brooklyn. Unfortunately, I will not be ready for the sentence on June 30<sup>th</sup> nor will I be able to appear on that date.

I thank you in advance for your time and consideration. If you should have any questions please do not hesitate to contact my office.

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Respectfully Submitted,

**BARKET & ANGELI, P.C.**

By:   
Bruce A. Barket, Esq.

cc: David O'Neil (via facsimile)

*Application Granted  
So ordered  
Robert Patterson  
6/24/08*